

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:

BARRY ALAN MIEDEMA,
Respondent.

) Case No. 05-36
)
)
)
)
)
)

License No. 203869

REINSTATEMENT
ORDER

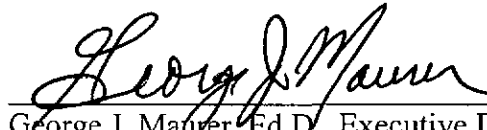
On March 3, 2006, the Board of Educational Examiners approved a stipulation and order imposing a suspension on the Respondent's teaching license from the date of the order through the date of his discharge from probation. The Order included the following directive regarding reinstatement: "Respondent may apply for reinstatement of his teaching license at any time after he is discharged from the period of criminal probation . . . The Respondent's application for reinstatement shall include a copy of documentation from the Department of Corrections verifying the discharge from probation. Upon receipt of the Respondent's application for reinstatement with documentation of the discharge, Board staff shall promptly reinstate the Respondent's license."

The Respondent, through his attorney, has provided the Board with an Order of the Sioux County District Court, dated August 7, 2006, granting the Respondent final discharge from his deferred judgment and probation. The condition for reinstatement has been met.

ORDER

THEREFORE, pursuant to Board rule 282 I.A.C. 11.34, the Respondent's license is reinstated as directed by the Board.

Dated this 30 day of August, 2006.



George J. Mauger, Ed.D., Executive Director
on behalf of the Iowa Board of Educational Examiners

Copy to:

Brian K. Van Engen
Oostra, Bierma & Van Engen P.L.C.
32 - 6th Street Northwest
Sioux Center, Iowa 51250

ATTORNEY FOR RESPONDENT

IOWA BOARD OF EDUCATIONAL EXAMINERS

In the matter of:)	BoEE Case No. 05-36
)	
)	
BARRY ALAN MIEDEMA,)	STIPULATION
(Folder # 203869))	and
)	ORDER
Respondent.)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) (2005) and 282 IAC 11.4(6), and with full knowledge of his right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes to the jurisdiction of the Board for all issues relevant hereto, and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. The Respondent holds a standard teaching license issued by the Board with endorsements to teach K-6 and 7-12 physical education and to coach at the K-12 level.
2. On October 3, 2005, a Complaint was filed with the Board by Harlan De Vries, Administrator of the Unity Christian High School in Orange City, Iowa, alleging that the Respondent violated the Code of Professional Conduct and Ethics, specifically Board rule 282 Iowa Admin. Code 25.3(2).
3. The Complaint was investigated and, on December 8, 2005, the Board found probable cause to determine that the Respondent had pled guilty to and been convicted of multiple criminal offenses involving the theft and use of prescription drugs. The Board scheduled a disciplinary hearing regarding potential violation of Board rules 282 IAC 25.3(1)(b) and 25.3(2).

4. During the course of the investigation, Respondent's attorney contacted the Board investigator indicating that Mr. Miedema admitted the truth of the allegations within the Complaint, had taken full responsibility for his misconduct, cooperated with authorities at all stages of the criminal proceeding, had completed in-patient treatment, was actively pursuing aftercare, and was eager to cooperate to resolve the matter before the Board.

5. The Board investigation confirmed the following facts:

- a. Mr. Miedema was employed by Unity Christian High School in 1993.
- b. From 1993 until the time of the incidents underlying this complaint, no reports, allegations, complaints or any other type of charges that alleged inappropriate behavior or conduct unbecoming a teacher were lodged against Mr. Miedema.
- c. On March 15, 2005, the police in Sioux Center, Iowa received a report that Mr. Miedema had entered a residence in Sioux Center, Iowa, without the owner's permission. When interviewed by a local police officer on April 7, 2005, Mr. Miedema admitted that he had entered the home trying to locate prescription pain medication. Further investigation lead to the June 27, 2005, filing of multiple criminal charges involving burglary, theft, and possession of prescription medication.
- d. On August 15, 2005, Mr. Miedema pled guilty to the following offenses:
 1. Burglary in the 3rd degree – a class D felony,
 2. Theft in the 4th degree – a serious misdemeanor, and
 3. Possession of a controlled substance without a valid prescription – a serious misdemeanor.
- e. Mr. Miedema received a deferred judgement on the felony count, subject to successful completion of two years of probation, a fine of \$750.00, and the completion of 150 hours of community service. The sentence for each of the two serious misdemeanor counts was 180 days in jail with all but 30 days suspended, a \$250.00 fine, and one-year of probation (concurrent with probation for the burglary). Restitution in the amount of \$577.95 was also ordered. Mr. Miedema has completed his jail term, is making payments toward the financial obligations of the sentence, and is working toward completion of the community service.
- f. Mr. Miedema suffered from ongoing hip pain for a period of years and admits that he become addicted to pain killers which his doctors had prescribed for him. He began abusing the medications and sought other sources from which to obtain the medications, leading to the criminal conduct alleged in the Complaint.

- g. On April 8, 2005, shortly after the criminal investigation was initiated, Mr. Miedema voluntarily entered a 30-day inpatient drug abuse treatment program. He completed the program and has been actively involved in an intensive aftercare program. He took the a proactive step to manage his ongoing pain by having total hip replacement surgery in November of 2005 and has successfully completed initial post-operative recovery using only medications which were prescribed and closely monitored by his physician.
- h. Mr. Meidema provided the Board with a report treatment counselor, dated November 1, 2005. In addition to providing details regarding the course of treatment, the counselor indicates that: "Barry has been highly motivated to treatment and takes full responsibility for his addiction and the behaviors associated with the addiction. He has expressed deep sorrow for the harm he caused himself, his family, his employment, and the general public for his addictive behaviors. Barry's love is teaching and coaching. His goal is to work hard in his recovery program, continue to teach and be a man of integrity. His progress is very good."
- i. In addition to pursuing treatment for his addiction, Mr. Meidema actively provided information to his employing school board about his addiction, treatment, and the status of the criminal proceedings. In light of the seriousness of the criminal offenses, on July 7, 2005, the local board took action to suspend Mr. Meidema from teaching for a one year period. The local board established an accountability plan for the period of suspension and he continued to receive partial salary and full benefits during the period of suspension.
- j. Mr. Miedema is working to fully discharge the terms of his criminal probation and is hopeful that he will be discharged from probation as early as August 15, 2006. If in any way possible, Mr. Miedema would like to resume his teaching career by securing employment as a teacher beginning in the fall semester of 2006.

6. The Respondent has acknowledged an error in judgment and accepted responsibility for his actions through cooperation with authorities throughout the criminal proceeding, the completion of inpatient treatment and ongoing participation in aftercare, cooperation with his local school board, and cooperation with representatives of this Board during investigation of the Complaint.

7. The Respondent willing to accept a disciplinary sanction from this Board in the form of a suspension of his teaching license to remain in place until he is discharged from criminal probation.

LICENSEE DECLARATION

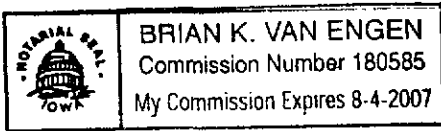
I understand that this settlement agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I agree to comply with the requirements set forth in the stipulations and understand that my failure to do so will result in further suspension of my teaching license.

I understand that the Notice of Hearing and Stipulation and Order are public records which will become part of my permanent licensure file and will be available for public inspection and reproduction.

Barry Alan Miedema
Barry Alan Miedema, Respondent

Subscribed and sworn before me this 2nd day of March, 2006.



Brian K. Van Engen
Notary Public State of Iowa

Notary seal:

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS that:

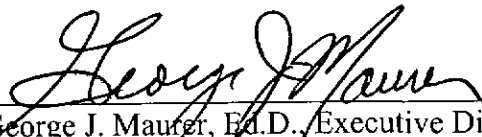
1. The Respondent's behavior, including his drug addiction and criminal convictions constitute a clear violation of the Code of Professional Conduct and Ethics governing the teaching profession.

2. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the criminal convictions, as well as the mitigating circumstances discussed in the Stipulations set forth above. The Board commends the Respondent for taking responsibility for his actions and for his commitment to ongoing treatment.

3. The license issued by the Board to Barry Alan Miedema, is hereby **SUSPENDED** from the date of this order through the date of his discharge from criminal probation.

4. The Respondent may apply for reinstatement of his teaching license at any time after he is discharged from the period of criminal probation referenced in paragraph 5(e), above. The Respondent's application for reinstatement shall include a copy of documentation from the Department of Corrections verifying the discharge from probation. Upon receipt of the Respondent's application for reinstatement with documentation of the discharge, Board staff shall promptly reinstate the Respondent's license.

Dated this 8 day of MARCH, 2006.


George J. Maurer, Ed.D., Executive Director
on behalf of the Iowa Board of Educational Examiners

Copy to:

Brian K. Van Engen
Oostra, Bierma & Van Engen P.L.C.
32 - 6th Street Northwest
Sioux Center, Iowa 51250

ATTORNEY FOR RESPONDENT